

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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PAUL ANTHONY COLANTUONO,

Plaintiff,

- against -

ANDREW SAUL, |
Commissioner of Social Security,

Defendant.
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USDC SDNY
DOCUMENT
ELECTRONICALLY FILED
DOC #:
DATE FILED: 11/1/2019

18-CV-7282 (VSB) (RWL)

OPINION & ORDER

Appearances:

Christopher James Bowes
Law Office of Christopher James Bowes, Esq.
Shoreham, New York
Counsel for Plaintiff

Andreea Laura Lechleitner
Social Security Administration
New York, New York
Counsel for Defendant

VERNON S. BRODERICK, United States District Judge:

Plaintiff Paul Anthony Colantuono brings this action seeking judicial review of the final decision of the Commissioner of Social Security (“Defendant”),¹ denying Plaintiff disability insurance benefits and supplemental security income benefits under the Social Security Act. On August 30, 2018, I referred the action to Magistrate Judge Robert W. Lehrburger. (Doc. 6.)

On January 2, 2019, Defendant filed a motion for judgment on the pleadings, (Doc. 11); Plaintiff filed a cross-motion for judgment on the pleadings on May 3, 2019, (Doc. 20). Before me

¹ Commissioner of Social Security Andrew Saul is automatically substituted for defendant Nancy A. Berryhill pursuant to Fed. R. Civ. P. 25(d).

is Judge Lehrburger's August 5, 2019 Report and Recommendation, (Doc. 23), which recommends that Plaintiff's motion be granted and that Defendant's motion be denied.

A district court "may accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge." 28 U.S.C. § 636(b)(1). "To accept the report and recommendation of a magistrate, to which no timely objection has been made, a district court need only satisfy itself that there is no clear error on the face of the record." *Nelson v. Smith*, 618 F. Supp. 1186, 1189 (S.D.N.Y. 1985).


Here, although the Report and Recommendation provided that "the parties shall have fourteen (14) days to file written objections to this Report and Recommendation," (Doc. 23, at 29), neither party has filed an objection, or sought an extension of time to file an objection. I have reviewed Judge Lehrburger's thorough and well-reasoned Report and Recommendation for clear error and, after careful review, find none. I therefore adopt the Report and Recommendation in its entirety.

Accordingly, Defendant's motion for judgment on the pleadings is DENIED, Plaintiff's cross-motion is GRANTED, and this case is remanded pursuant to sentence four of 42 U.S.C. § 405(g) for further proceedings, consistent with the Report and Recommendation.

The Clerk's Office is respectfully directed to enter judgment remanding this case to the Commissioner of Social Security.

SO ORDERED.

Dated: November 1, 2019
New York, New York


Vernon S. Broderick
United States District Judge